

Appl No. 10/829,077
Amdt. dated Nov. 4, 2005
Reply to Office action of Aug. 11, 2005

REMARKS/ARGUMENT

In response to Examiner's action dated 8/11/05, applicant has amended the claims, as noted above, to more precisely define the nature of the invention and to better distinguish it over that of the cited prior art.

The Examiner has rejected claims 1-8 as originally filed under 35 U.S.C. 102(e) as being anticipated by Taylor, Jr. reference 6,834,432 indicating that Taylor discloses a pocket knife comprising all of the elements claimed including inter alia, a tab (adjacent reference 20) as claimed.

Applicant respectfully requests that the claims, as now amended as noted above, distinguish themselves over the prior art reference for the following reasons.

Taylor (432) discloses a pocket knife with a lock design which while primarily being directed towards a lock design which incorporates a supplemental mechanical driving aid to solve the alleged prior art problem of thickness of a folding knife and to improve the supplemental driving force when extending the blade from the handle. This reference does show an arcuate tab that Examiner refers to which extends from essentially the sides of the blade 20, see figure 1 and also appears in figure 9 of the drawings as well as figure 10 as extending presumably outwardly from both oppositely disposed sides of the blade in spaced longitudinal relation to the blade's shank end portion which is the portion of the blade which does not have a sharpened edge 21 and through which a pivot aperture

at 22 is formed so as to allow the blade to be pivoted in and out of the handle configuration generally referred to as 30 in the reference. While there is no numeral indication in the 432 reference, the shank end portion's upper surface has a plurality of transverse ridges or could be referred to as teeth formed in its surface which is angularly disposed from the back edge portion i.e. the non-sharpened oppositely disposed portion of the blade from which the adjacent tab extends.

Applicant's device as more precisely claimed includes the limitation of a notch in the upper edge surface of the shank end portion which defines a mounting edge surface area 19 as shown in figure 4 of the application in which an engagement tab 20 is positioned. Applicant specifically claims the engagement tab 20 as being secured to said recess mounting edge surface 19 and extending longitudinally and transversely beyond the mounting edge surface in co-planar relation to said shank end portion upper edge surface, see claim 1 as amended.

This structural limitation as now more precisely claimed is critical to applicant's invention and is the very essence of its functionality as outlined and set forth in the specification, see page 5, line 8 which provides the basis for the tab 20 to be engaged on a portion of the use pocket in which the knife is positioned so as the knife is removed from the pocket, the blade will open simultaneously (automatically) to a full open and lock position.

The tab on Taylor 432 reference is specifically illustrated and shown as having an upper surface which is not numbered being co-planar with the blade's back edge surface clearly seen on figure 8 and 9 of the reference. This is important since there would be no ability for the tab to be engaged on its front edge which is

required, described and claimed in applicant's device as a critical structural feature so it can perform its desired task of opening the blade simultaneously as it is retrieved from a pocket.


Applicant has amended the claims and specifically claim 1 to introduce the limitations of the engagement tab of the invention extending both longitudinally and transversely beyond the mounting edge surface defined by the notch in the upper edge surface shank end portion of the blade so that the engagement tab is in vertically spaced relation to said blade's back edge portion which is simply not the case in reference 432.

It is therefore respectfully submitted that the unique structural orientation and shape of the engagement tab on applicant's device is critical to its claimed novelty and therefore cannot be reasonably anticipated by the Taylor 432 reference as the Examiner has suggested based on the claims as now amended and presented as noted here ad above.

It is therefore respectfully submitted that the claims as now presented in the application distinguish themselves over the reference and as such are deemed in condition for allowance and the same is respectfully requested.

Respectfully submitted,

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